

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 11th DAY OF JULY 2005, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Gary D. Creed	-Chair
	Mary W. Biggs	-Supervisors
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	Martin M. McMahon	-County Attorney
	Karen Edmonds	-Human Resource Director
	T.C. Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

ABSENT:	Steve L. Spradlin	-Vice Chair
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CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC ADDRESS SESSION

There being no speakers, the public address session was closed.

DELEGATION

Virginia Cooperative Extension – 2004 Situation Analysis

Michelle Adcock with Virginia Cooperative Extension presented the 2004 Situation Analysis report for Montgomery County. The Montgomery County Extension Leadership Council (ELC) conducted a comprehensive Situation Analysis in an attempt to better understand the current issues in Montgomery County and to identify ways in which Extension can address some of these issues. The process included developing a unit profile, or descriptive snapshot, of the county; assessing community and resident perspectives through focus groups; and analyzing data and prioritizing the issues for the County.

Issues that were identified from the situation analysis are as follows:

1. Agriculture Awareness
2. Additional Extension Staffing
3. Financial Planning for Youth and Adults
4. Family Well Being
5. Promotion of Extension Programming.

Several other issues were also identified, but are outside the scope of the Virginia Extension Office:

1. Community Centers and Volunteer Involvement
2. Land Use, Open Space, and Urban Sprawl
3. Inadequate Transportation
4. Affordable Housing

Ms. Adcock stated that Montgomery County Extension Office would continue to provide educational programs through the schools and provide different types of programs based upon the situation analysis.

Ms. Adcock, Barry Robinson, Associate Extension Agent, and Dawn Barnes, Extension Agent from Floyd County, also provided the Board of Supervisors with the Quarterly Report for Montgomery County.

ADDENDUM

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the following addendum dated July 11, 2005 was to the agenda under Delegation:

Virginia Department of Transportation – Road Concern Update

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Steve L. Spradlin
Annette S. Perkins		
James D. Politis		
Doug Marrs		
Mary W. Biggs		
Gary D. Creed		

DELEGATION

Virginia Department of Transportation – Road Concerns Update

David Clarke, Resident Engineer, presented updates on various transportation needs as follows:

1. Sterling Road (SR 786) Speed Study – The speed limit will be lowered 25 mph.
2. Brush Creed Road (SR 617) – Paving and repair has been completed near the Church.
3. Lavender Road (SR 722) Low Water Bridge – Pre-bid meeting scheduled for July 12, 2005 with bids due on July 27, 2005.
4. Ellett Valley Loop Trail – Request to use limited access right-of-way on the Smart Road, a meeting is scheduled to discuss this project with Town of Blacksburg Park & Recreation Director and VDOT's Preliminary Engineers.
5. The approved Six Year Road Plan for Primary and Interstate Roads is available for review on VDOT's web site.
6. Catawba Road (SR 785)– A community meeting is scheduled to discuss road issues on Catawba Road.

Supervisor Perkins commented that she is glad that a community meeting has been scheduled for SR 785. This road is considered a scenic by-way and the residents have numerous issues and concerns.

Supervisor Marrs expressed frustration with VDOT's long process to start construction or repair on a road that has been approved for maintenance and money allocated for the project. Mr. Clarke replied that there are other agencies involved which slows the process down. Also, most of the projects require an environmental study to be performed and approved by the State office, which again slows down the process.

Supervisor Creed expressed concern with which agency, VDOT or the County, will pay for cost overages on road projects in the Revenue Sharing Program that have been delayed. Mr. Clarke responded that VDOT has not had to address this issue to date.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated July 11, 2005 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Steve L. Spradlin
Doug Marrs		
James D. Politis		
Annette S. Perkins		
John A. Muffo		
Gary D. Creed		

Approval of Minutes

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the minutes dated June 13, 2005 were approved.

A-FY-06-04 RE-APPROPRIATION OF GENERAL FUND ENCUMBRANCES FROM FY 05 TO FY06

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

100	Board of Supervisors	\$21,032
110	County Administration	\$16,022
111	EMS Grants	\$10,488
130	Financial and Management Services	\$3,421
140	Information Management Services	\$55,418
152	Assessment	\$751
153	Reassessment	\$6,743
162	Treasurer	\$3,789
180	Internal Services	\$38,687
320	Sheriff	\$47,237
400	General Services	\$129,271
700	Parks and Recreation	\$3,622
710	Library	\$261,761
720	Floyd Library	\$36,817
800	Planning and Inspections	\$35,040
801	Planning Grants	\$5,000
810	Economic Development	<u>\$8,136</u>
	Total	\$683,235

The source of funds for the foregoing appropriation is as follows:

Revenue Account

451205 Designated General Fund Balance \$683,235

Said resolution re-appropriates monies supporting the balances of outstanding purchase orders.

A-FY-06-05
RE-APPROPRIATION OF COUNTY
CAPITAL PROJECT FUND
ENCUMBRANCES FROM FY 05 TO FY 06

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

110	Building C	\$ 19,532
	Courthouse Renovation	\$ 342,026
	Government Center	\$ 2,480
140	Integrated Management Information System	\$ 66,292
170	Voting Machines	\$ 381,162
330	Fire and Rescue	\$ 916,974
700	Parks and Recreation	\$ 15,450
710	Meadowbrook Library	\$ 580,698
800	Planning and GIS	\$ 105,600
810	Falling Branch Industrial Park	\$ 2,829
	Total	\$2,433,043

The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451205	Designated General Fund Balance	\$2,433,043

Said resolution re-appropriates monies supporting the balances of outstanding purchase orders for county capital projects.

A-FY-06-06
RE-APPROPRIATION OF
GRANT BALANCES
FROM FY05 TO FY 06

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

111	EMS Grants	\$ 133,278
321	Offender Financed Drug Program	\$ 4,936

	DARE Program	\$ 2,121
	Selective Traffic Enforcement	\$ 1,980
	Community Policing	\$ 286
	Local Law Enforcement	\$ 5
	VSTOP	\$ 16,722
	Project Lifesaver	\$ 12,202
	FEMA Hazard Mitigation	\$ 47,079
551	Victim Witness	\$ 1,886
801	Dry Well Replacement	\$ 16,500
	Total	\$ 236,995

The sources of funds for the foregoing appropriation are as follows:

<u>Revenue:</u>	
28013-424401 Dry Well Replacement	\$ 16,500
02111-424401-OEMS EMS Grants	5,180
02-451205Designated Fund Balance	<u>\$215,315</u>
Total	\$236,995

Said resolution appropriates grants balances, which are needed to cover the payment of invoices received and the refund of unexpended monies.

A-FY-06-07
RE-APPROPRIATION OF CIP PROJECT
BALANCES FROM FY 05 TO FY 06

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

110	Building C/Courthouse Renovation	\$14,159,226
	Government Center	\$ 1,660,889
140	Integrated Management Information System	\$ 481,838
330	Blacksburg Fire Department – Equipment	\$ 45,000
	Christiansburg Fire Department-Equipment	\$ 88,884
	Elliston Fire Department-Equipment	\$ 280,000
	Riner Fire Department-Equipment	\$ 49,273
	Christiansburg Rescue – Equipment	\$ 28,584
	Shawsville Rescue Squad-Equipment	\$ 50,767
	Elliston Fire Department-Building	\$ 859,400
	Long Shop/McCoy Fire/Rescue-Building	\$ 14,229
400	Animal Control	\$ 25,000

	Elliston Bridge	\$ 22,036
	Consolidated Sites	\$ 60,724
660	Athletic Fields	\$ 4,580,126
700	Elliston/Lafayette Recreational Park	\$ 90,752
	Mid-County Park	\$ 23,022
	Plum Creek/Hornsby Recreational Park	\$ 92,472
	Miner's Park	\$ 35,085
710	Meadowbrook Library	\$ 25,104
810	Elliston/Lafayette Industrial Park	\$ 36,505
	Falling Branch Industrial Park	\$ 17,199
	Total	\$ 22,726,115

The source of funds for the foregoing appropriation is as follows:

Revenue Accounts:

451205	Designated Fund Balance	\$22,726,115
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Said resolution appropriates the available account balances for CIP projects. These balances exclude encumbrances, which will be re-appropriated through a second resolution to carry forward funds, which support open purchase orders.

**A-FY-06-08
RE-APPROPRIATION OF SCHOOL CIP PROJECT
BALANCES FROM FY 05 TO FY 06**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, That the School Capital Projects Fund was granted an appropriation in addition to the annual appropriation for fiscal year ending June 30, 2006 for the function and in the amount as follow:

600	Capital Projects Fund - Schools	\$2,339,500
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The source of funds for the foregoing appropriation is as follows:

Revenue Account

451204	Capital Projects Fund Balance	\$2,399,500
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Said resolution re-appropriates the available account balances for School CIP projects.

A-FY-06-09
SCHOOL OPERATING FUND TRANSFER

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

640000	Operations and Maintenance	(\$688,513)
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TO:

610000	Instruction	\$595,566
620000	Administration, Attendance, Health	<u>\$ 92,947</u>
	Total	\$688,513

Said resolution transfers School Operating funds from Operations and Maintenance to Instruction and Administration, Attendance, Health categories as requested by the School Board.

R-FY-06-01
REQUEST FOR SPEED STUDY
ROUTE 8 TO SMITH CREEK ROAD (SR 675)

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, In 2003 the Montgomery County Board of Supervisors requested a speed study be conducted on Riner Road (Route 8) near Smith Creek Road (SR 675) to determine the feasibility of reducing the speed limit; and

WHEREAS, As a result of the speed study, the Department of Transportation did not recommend reducing the speed limit at that time and recommended the area remain at 55 mph; and

WHEREAS, The Transportation Safety Commission has asked that the Virginia Department of Transportation be requested to reconsider their recommendation of a 55 mph speed limit on Route 8 from Smith Creek Road (SR 675) to Interstate 81.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia respectfully requests the Virginia Department of Transportation to reduce the speed limit to 45 mph on Route 8, from Smith Creek Road (SR 675) to Interstate 81.

OLD BUSINESS

**ORD-FY-06-01
An Ordinance Amending the Zoning
Classification of 1.449 acres
From Agriculture (A-1) to Residential (R-2)
Vernon and Marlene Taylor**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 1.449 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to Residential (R-2) with the following proffered condition:

1. The existing dwelling (6105 North Fork Road) and proposed dwelling will be connected to public water and public sewer prior to approval of a building permit for the new dwelling.

This action was commenced upon the application of Vernon & Marlene Taylor.

The property is located at 6105 North Fork Road and is identified as Tax Parcel No. 60-A-7A (Acct ID # 030077) in the Shawsville Magisterial District. The property currently lies in an area designated as Village Expansion in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Steve L. Spradlin
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Mary W. Biggs		
Gary D. Creed		

R-FY-06-02
SPECIAL USE PERMIT
MONTGOMERY COUNTY BOARD OF SUPERVISORS
AGENT: INVESTIGATOR EDWARD HERTLING)
PUBLIC SAFETY SHOOTING RANGE

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Montgomery County Board of Supervisors (Agent: Investigator Edward Hertling) request for a special use permit on approximately 116 acres in Agriculture (A-1), to allow a shooting range, is hereby approved subject to the following conditions:

1. Special Use Permit authorizes use of property for a public safety shooting range and associated training and storage buildings as generally depicted on plans dated April 25, 2005. The property or range shall not be open to the general public, unless supervised by law enforcement personnel for events such as the Citizen Police Academy.
2. Shooting range shall not operate between the hours of 10:00 p.m. to 7:00 a.m. No shooting shall be permitted on Sundays.
3. Shooting range site shall be constructed in substantial accordance with the VA Department of Environmental Quality (DEQ) comments of May 24, 2005 and solid waste permit #038 as well as the "Best Management Practices for Lead at Outdoor Shooting Ranges" publication dated March 2003, as amended, prepared by U.S. Environmental Protection Agency (EPA). The Sheriff's Office shall request a "Certificate of Recognition" from EPA by submitting a notice to the EPA Lead Shot Coordinator in EPA Region 2 within six (6) months of opening the facility stating that they have completed an Environmental Stewardship Plan consistent with the EPA Best Management Practices for Lead at Outdoor Shooting Ranges Manual.
4. Perimeter of property should be properly posted with signage to adequately warn against trespass and identify that the property is used as a shooting range.
5. Entrance to site shall remain gated to restrict public access.
6. No hunting shall be allowed on the property.
7. Range construction shall not begin until the County's Post Closure Care Plan has been updated to include the shooting range and submitted and approved by VA DEQ.

The property is located at 2366 Den Hill Road and is identified as Tax Parcel No. 81-A-14 (Acct ID # 070682) in the Shawsville Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Steve L. Spradlin
James D. Politis		
John A. Muffo		
Mary W. Biggs		
Doug Marrs		
Gary D. Creed		

ORD-FY-06-02
AN ORDINANCE AMENDING CHAPTER 7
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA
ENTITLED OFFENSES – MISCELLANEOUS BY ADDING SECTION 7-10
REQUIRING VIEWING AREAS OF A MOVIE ARCADE
TO BE VISIBLE FROM A CONTINUOUS MAIN AISLE AND NOT BE OBSCURED BY
ANY CURTAIN, DOOR, WALL OR OTHER ENCLOSURE

On a motion by Doug Marrs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors has learned through experiences of other communities that closed booth showings produce negative secondary effects that are destructive to the public health, decency and general good order; and

WHEREAS, The purpose of this ordinance is to promote and advance the governmental interest of reducing crime and maintaining public health and decency standards by addressing the negative secondary effects of closed booth showings; and

WHEREAS, This ordinance is not directed at the content of the showings within the booths but rather at controlling offensive and illegal activity within the booths.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 7 of the Code of the County of Montgomery, Virginia, shall be amended and reordained by adding Section 7-10 as follows:

Sec. 7-10 Movie Arcades

- (a) For purposes of this section, the following words and phrases shall be construed as follows:
 - (1) Movie arcade. The term “movie arcade” means any business wherein a film or videotape viewing device is operated.
 - (2) Film or videotape viewing device. The term “film or videotape viewing device” means any electrical or mechanical device in a business, which projects or displays any film, videotape or reproduction into a viewing

area obscured by a curtain, door, wall, or other enclosure which is designed for occupancy by no more than five (5) persons and is not visible from a continuous main aisle.

- (3) Viewing area. The term “viewing area” means the area where a patron or customer would ordinarily be positioned while watching a film or videotape viewing device.
- (b) It shall be unlawful for any person in the County to own, maintain or operate for himself or herself or as an employee or agent a movie arcade where the viewing area is not visible from a continuous main aisle and is obscured by any curtain, door, wall or other enclosure.
- (c) Any person who violates the provisions of this section shall be guilty of a Class 1 misdemeanor.
- (d) All persons regulated pursuant to this section shall comply with said section within thirty (30) days of the effective date of this section.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Steve L. Spradlin
Mary W. Biggs		
Doug Marrs		
Annette S. Perkins		
James D. Politis		
Gary D. Creed		

R-FY-06-03
CONVEYANCE OF LOT 2C IN THE
ELLISTON-LAFAYETTE INDUSTRIAL PARK
TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the Conveyance of Lot 2C in the Elliston-Lafayette Industrial Park to the Industrial Development Authority of Montgomery County, Virginia.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that Gary Creed, Chair, is hereby authorized to sign the Deed on behalf of the County of Montgomery, Virginia.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Steve L. Spradlin
Doug Marrs		
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Gary D. Creed		

R-FY-06-05
AMEND SPEED STUDY POLICY

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, By resolution dated November 13, 1996 the Board of Supervisors adopted procedures for speed study requests and amended by resolution dated April 12, 2004.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors hereby amends its policy for speed study requests as follows:

1. The County Administrator must receive a petition containing the signatures of at least 50% of the residences along a specified length of roadway, before requests for speed studies for the same specified stretch of road will be considered.
2. When the petition is received with the required number of signatures, the Board of Supervisors hereby authorizes the County Administrator to request the Virginia Department of Transportation to conduct a speed study on the specified length of roadway requested in the petition and notify the Board of Supervisors of the request.
3. Upon notification from the Virginia Department of Transportation that the speed study has been completed, the County Administrator will acknowledge receipt of the results of the speed study and notify the Board of Supervisors accordingly.
4. The citizen who submitted the petition and the Board of Supervisors will be notified of the results of the speed study.

BE IT FURTHER RESOLVED, A speed study request will also be initiated upon a written request to the County Administrator from the Transportation Safety Commission.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Steve L. Spradlin
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Mary W. Biggs		
Gary D. Creed		

R-FY-06-06
RESOLUTION OF APPRECIATION
JEAN BOURNE
NEW RIVER VALLEY
COMMUNITY SERVICES BOARD

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Jean Bourne has faithfully served as a member of the New River Valley Community Services Board since August 1998; and

WHEREAS, The County recognizes the excellent and dedicated service that ***Jean Bourne*** has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to ***Jean Bourne***.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to ***Jean Bourne*** and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Steve L. Spradlin
James D. Politis		
John A. Muffo		
Mary W. Biggs		
Doug Marrs		
Gary D. Creed		

R-FY-06-07
PROCLAMATION
15TH ANNIVERSARY
AMERICANS WITH DISABILITIES ACT

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, It is important for the County of Montgomery to ensure equal opportunity for all of its citizens; and

WHEREAS, March 2005 marked the 20th anniversary of the Virginians with Disabilities Act, which declared that “it is the policy of this Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and to engage in remunerative employment”; and

WHEREAS, July 26, 2005 marks the 15th anniversary of the Americans with Disabilities Act, which is a landmark civil rights law banning discrimination against the nation’s 54 million people with disabilities; and

WHEREAS, These two laws work to ensure that people with disabilities are free from discrimination; treated with respect and dignity, move freely about the community, and live in the least restrictive environment; and

WHEREAS, Work remains to be done throughout county, state and federal government to fulfill the promise of both the Virginians with Disabilities Act and the Americans with Disabilities Act; and

WHEREAS, This anniversary is an appropriate occasion to reflect on the strides forward that have been made and on the work remaining to be done.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby recognize 2005 as the **20th Anniversary of the Virginians with Disabilities Act and the 15th Anniversary of the Americans with Disabilities Act**, and calls this observance to the attention of all Montgomery County citizens.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Steve L. Spradlin
John A. Muffo		
Mary W. Biggs		
Doug Marrs		
Annette S. Perkins		
Gary D. Creed		

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Prices Fork Village Plan
2. Montgomery County Legislative Priorities for 2006

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Steve L. Spradlin
Mary W. Biggs		
Doug Marrs		
Annette S. Perkins		
James D. Politis		
Gary D. Creed		

Prices Fork Village Plan

The Planning Director updated the Board of Supervisors on the progress of the Prices Fork Village Plan. A draft plan for the Prices Fork Village was provided to the Board members. The village planning process provides citizens in each of the seven villages with a say in how their respective villages develop over the next twenty years. The Prices Fork Village Plan was created through a collaborative planning effort that involved Prices Fork residents, County officials and staff, students from Virginia Tech and Milt Herd Consultants. After several community meetings and survey, the vision statement for the Prices Fork Village is as follows:

1. Remains a Historic Rural Village with a Strong Community Identity.
2. Has a Good Community Facilities and Services that the support vision.
3. Has a Harmonious Pattern of Compatible Land Uses.
4. Collaborates with the County, the Town, and Virginia Tech in order to achieve the vision.

The Planning Director explained the next step is to finalize the Village Plan and to amend the Prices Fork Village in the 2025 Comprehensive Plan.

Montgomery County Legislative Priorities for 2006

The County Administrator explained that the Virginia Association of Counties (VACo) has started the process of developing its 2006 Legislative Priorities. VACo is requesting Montgomery County's input. The final program will be adopted at the VACo Annual Conference in November 2005. The County Administrator recommended Montgomery

County's legislative priorities for 2006 be added to the next agenda for approval by the Board of Supervisors. The County Administrator also reported that the Planning Commission forwarded four issues of concern and requested the Board to consider adding them to the list, which includes the following:

1. Rural Addition Program.
2. Land Use/Growth Management Tools
3. Floodplain Mapping
4. Automobile Graveyard Screening

The Board agreed that all issues outlined in their 2005 Legislative Priorities were still a priority and agreed to incorporate the Planning Commission's concerns. The Board strongly believes that the General Assembly should take under consideration the Board's request to allow localities to increase the fees for civil and criminal action filed in the district or circuit court from \$2.00 to \$10.00 in order to offset the maintenance fees of the courthouse. The Board also expressed concern with the recent Supreme Court ruling that local governments can seize private property through eminent domain for economic development purposes. The Board supports legislation to clarify that the power of eminent domain shall be available only for public use and not to include private economic development. By Board consensus, the County Administrator was authorized to develop Montgomery County's legislative priorities for 2006 and forward to VACo.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Steve L. Spradlin
Doug Marrs		
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Gary D. Creed		

COUNTY ADMINISTRATOR'S REPORT

Health Reimbursement Account (HRA) – Board of Supervisors The County Administrator reported that the Board of Supervisors requested clarification on benefits offered to the Board members. The County Administrator stated by board resolution dated August 15, 2001, Board members shall receive the same fringe benefits which are given to county employees generally, pursuant to Section 15.2-1414.2 of the Code of Virginia. Therefore Board members may elect to receive the Health Reimbursement Account benefit if they so desire.

Following discussion about benefits offered to county employees, the Board agreed to take action on whether they should receive the HRA benefit. Several Board members also expressed concern about county employees who elected not to receive health insurance and the HRA benefit. The Board requested staff to investigate this issue to determine if all county employees were notified and explained all benefits offered and if employees could receive cash payment in lieu of health insurance.

R-FY-06-04 BOARD OF SUPERVISORS HEALTH INSURANCE BENEFITS

On a motion by Mary W. Biggs, seconded by James D. Politis and carried,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors shall be eligible to receive the same Health Insurance and HRA benefits which are offered to county employees effective July 1, 2005.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	Gary D. Creed	Steve L. Spradlin
Doug Marrs		
Annette S. Perkins		
James D. Politis		
John A. Muffo		

BOARD MEMBERS' REPORT

Supervisor Marrs - Western Virginia Regional Jail Authority- Supervisor Marrs reported he was appointed to several sub-committees under the Western Virginia Regional Jail Authority to study and evaluate different issues relating to the regional jail.

Supervisor Biggs reported she would be attending the Montgomery-Floyd Regional Library Board meeting and the Commerce Park meeting on Wednesday.

Supervisor Politis reported the Department of Agriculture inspected the Riner Community Cannery on Monday, July 11, 2005 to determine if the site would be suitable for a commercial cannery. There are several maintenance and equipment issues that will have to be resolved, such as the ventilation due to no air conditioning. The cannery will be in operation for this year only.

Supervisor Creed Western Virginia Regional Jail Authority – Supervisor Creed reported he was also appointed to several sub-committees under the Western Virginia Regional Jail Authority. He requested the Board of Supervisors to give him guidance or direction on how they would like for him to vote on behalf of the Board on issues that will be forthcoming. He requested staff prepare a report on a cost analysis on the use of deputy's verses the use of correctional officers at the regional jail. This is one of the issues that the Authority will be discussing in the future.

Supervisor Biggs suggested that after each Western Virginia Regional Jail Authority meeting, the Board appointees inform the rest of the Board of Supervisors members the nature of the meeting and if any direction is needed at that time.

INTO CLOSED MEETING

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
 - 1. Community Services Board
 - (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
 - 1. Expansion of the County Government Center

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Steve L. Spradlin
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Mary W. Biggs		
Gary D. Creed		

OUT OF CLOSED MEETING

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Steve L. Spradlin
James D. Politis		
John A. Muffo		
Mary W. Biggs		
Doug Marrs		
Gary D. Creed		

CERTIFICATION OF CLOSED MEETING

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

James D. Politis
John A. Muffo
Mary W. Biggs
Doug Marrs
Annette S. Perkins
Gary D. Creed

NAYS

None

ABSENT DURING VOTE

Steve L. Spradlin

ABSENT DURING MEETING

Steve L. Spradlin

APPOINTMENTS

**R-FY-06-08
APPOINTMENT
NEW RIVER VALLEY
COMMUNITY SERVICES BOARD**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Jennifer Lynne Leary** to the **New River Valley Community Services Board** effective July 1, 2005 and expiring June 30, 2008.

The vote on the foregoing resolution was as follows:

AYE

Mary W. Biggs
James D. Politis
Annette S. Perkins
John A. Muffo
Doug Marrs
Gary D. Creed

NAY

None

ABSENT

Steve L. Spradlin

ADJOURNMENT

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, July 25, 2005 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Steve L. Spradlin
Annette S. Perkins		
John A. Muffo		
Doug Marrs		
Mary W. Biggs		
Gary D. Creed		

The Chair declared the Board of Supervisors July 11, 2005 meeting adjourned at 11:30 p.m.

APPROVED:	_____	ATTEST:	_____
	GARY D. CREED		B. CLAYTON GOODMAN, III
	CHAIR		COUNTY ADMINISTRATOR